

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DARYL O. NORRIS,

Plaintiff,

v.

BRITANY WOLFE, BILL LAZAR,
LANCE WIERSNA, DENISE SYNDOM and
JOSEPH GRUETZMACHER,

Defendants.

ORDER

15-cv-177-bbc

In an order entered on May 13, 2015, I denied plaintiff Daryl O. Norris leave to proceed on several claims and directed him to file an amended complaint that complied with Fed. R. Civ. P. 8 regarding his claim that he was denied access to the courts. I gave plaintiff until June 8, 2015, in which to submit a proposed amended complaint correcting the problems identified in the May 13 order. In addition, I warned plaintiff that his failure to timely respond to the court's order would result in dismissal of this case. On June 9, 2015, plaintiff filed a motion for a seven-week extension of time until July 27, 2015, in which to file his proposed amended complaint. Magistrate Judge Stephen L. Crocker granted plaintiff's motion in part, giving him an additional three weeks from his original deadline, until June 29, 2015, to file his amended complaint. The magistrate judge advised plaintiff that he was unlikely to receive any additional extensions without a showing of good cause.

Two days after the June 29 deadline passed, plaintiff filed a second motion for additional

time, again seeking until July 27, 2015, to file his amended complaint. In a text only order entered the same day, the magistrate judge denied plaintiff's request for a second extension of time, noting that the time plaintiff spent preparing his three-page motion for an extension of time could have been spent preparing a proposed amended complaint as ordered on May 13.

To date, plaintiff has not filed his amended complaint. Accordingly, I conclude that plaintiff has failed to comply with this court's orders and his case must be dismissed for his failure to state a claim upon which relief may be granted. Paul v. Marberry, 658 F.3d 702, 705 (7th Cir. 2011) (when "plaintiff is told to amend his unintelligible complaint and fails to do so, the proper ground of dismissal is not want of prosecution but failure to state a claim").

ORDER

IT IS ORDERED that plaintiff Daryl O. Norris's proposed complaint is DISMISSED for failure to state a claim upon which relief may be granted. The clerk of court is directed to enter judgment in favor of defendants Britany Wolfe, Bill Lazar, Lance Wiersna, Denise Syndom and Joseph Gruetzmacher and close this case.

Entered this 10th day of July, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge